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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/633,050	08/04/2000	Bjorn Espenes	24466-10449	2988
758	7590	12/12/2005	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/633,050	ESPENES ET AL.	
	Examiner	Art Unit	
	Matthew S. Gart	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-16 are pending in the instant application. Claims 17-25 were previously cancelled via Paper No. 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos (U.S. Patent No. 6,029,141, in view of Pettersen (U.S. Patent No. 6,826,594).

Referring to claim 1. Bezos discloses a method for enhancing the process of e-commerce, with the assistance of computer hardware and computer software comprising the steps of:

- Receiving product information into a product information database of a computer system (Bezoz: at least abstract);
- Mapping said product information into product categories, in a product category database in said computer system (Bezoz: at least claim 23 to claim 25);
- Assigning said product information into a template, said template having an appearance and one or more features (Bezoz: at least Fig. 6 and column 11, lines 43-62);

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- Populating said template with said product information (Bezos: at least Fig. 6 and column 11, lines 43-62);
- Tracking activity on said broadcasted template, and recording said tracked activity in an activity database in said computer system (Bezos: at least column 13, lines 10-280;
- Communicating said activity to a client (Bezos: at least column 16, lines 11-19);
- Refining an on-line marketplace selection criteria, wherein said refining further comprises analyzing product placement activity, sales transaction and e-commerce marketplace filters of one or more of said selected on-line marketplaces (Bezos: at least column 3, lines 26-41); and
- Optimizing an e-commerce channel mix and product offerings by placing said product template in an appropriate time and one or more of said selection on-line marketplaces based on said product placement activity and said sales transactions (Bezos: at least column 3, lines 26-41).

Bezos does not expressly disclose a method for enhancing the process of e-commerce, with the assistance of computer hardware and computer comprising the steps of:

- Selecting a group of on-line marketplaces, dynamically adjusting said template appearance and features based on said selected group of online marketplaces;
- Broadcasting said populated template to said group of on-line marketplaces; and

- Dynamically generating a custom product page based on said populated template and an identified on-line marketplace from said selected group of on-line marketplaces for each individual product from said product information database to be marketed on one or more of said on-line marketplaces.

Pettersen disclose a method for enhancing the process of e-commerce, with the assistance of computer hardware and computer comprising the steps of:

- Selecting a group of on-line marketplaces, dynamically adjusting a template appearance and features based on said selected group of online marketplaces;
- Broadcasting said populated template to said group of on-line marketplaces (Pettersen: at least column 16, lines 15-44); and
- Dynamically generating a custom product page (Pettersen: at least column 14, line 64 to column 13, line 15) based on said populated template and an identified on-line marketplace from said selected group of on-line marketplaces for each individual product from said product information database to be marketed on one or more of said on-line marketplaces (Pettersen: at least column 14, line 64 to column 13, line 15 and column 16, lines 15-44).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Bezos to have included the teachings of Pettersen as discussed above in order to increase the effectiveness of advertising on the Internet (Pettersen: column 3, lines 57-67).

Referring to claim 2. Bezos further discloses a method comprising receiving and storing client information (Bezos: at least Fig. 1 and Fig. 2).

Referring to claim 3. Bezos further discloses a method comprising sending e-mail communication to consumers (Bezos: at least column 1, lines 50-61).

Referring to claim 4. Bezos further discloses a process comprising sending report information to clients (Bezos: at least column 1, lines 50-61).

Referring to claim 5. Bezos further discloses a method wherein said receiving product information further comprises receiving description, price and quantity information (Bezos: at least Fig. 8).

Referring to claim 6. Bezos in view of Pettersen discloses a method according to claim 1 as indicated supra. Pettersen further discloses a method wherein said mapping product information provides a mapping between client products and multiple e-commerce marketplaces sites (Pettersen: at least column 14, line 64 to column 13, line 15 and column 16, lines 15-44).

Referring to claim 7. Bezos in view of Pettersen discloses a method according to claim 1 as indicated supra. Pettersen further discloses a method wherein said assigning product information into a template further comprises dynamically modifying the content of said template based on the selected e-commerce marketplace site (Pettersen: at least column 6, line 65 to column 7, line 5).

Referring to claim 8. Bezos in view of Petterson discloses a method according to claim 1 as indicated supra. Pettersen further discloses a method wherein said broadcasting further comprises sending a client product populated template to an on-

line marketplace based on the results of prior e-commerce activity (Pettersen: at least column 6, line 65 to column 7, line 5).

Referring to claim 9. Bezos further discloses a method wherein said tracking activity further comprises collecting data on number of Web site hits, click-throughs, orders and e-mail communications (Bezoz: at least column 13, lines 10-28).

Referring to claim 10. Bezos further discloses a method wherein said communicating activity to a client further comprises analyzing said tracked activity, producing a report and sending said report to a client (Bezoz: at least Fig. 1, "Report Generation SW").

Referring to claim 11. Bezos further discloses a method wherein said refining an on-line marketplace selection criteria, further comprises analyzing said tracked activity, comparing said tracked activity with a clients objectives and modifying a marketplace filter function (Bezoz: at least "APPENDIX B").

Referring to claim 12. Bezos further discloses a method comprising collecting sales information from e-commerce buyers (Bezoz: at least column 13, lines 10-28).

Referring to claim 13. Bezos further discloses a method wherein said collecting sales information from e-commerce buyers further comprises collecting credit card, product, price, address and quantity information (Bezoz: at least Fig. 1).

Referring to claim 14. Bezos further discloses a method comprising sending e-mail to customers (Bezoz: at least column 1, lines 50-61).

Referring to claim 16. Bezos further discloses a method wherein said product information further comprises information selected form the group consisting of

information concerning goods, information concerning services, information concerning financial information, and information concerning information sources (Bezos: at least column 8, line 49-58).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos (U.S. Patent No. 6,029,141, in view of Pettersen (U.S. Patent No. 6,826,594), in further view of Official Notice.

Referring to claim 15. Bezos in view of Pettersen discloses a method according to claim 1 as indicated supra. Bezos in view of Pettersen does not expressly disclose a method wherein said mapping product information provides a mapping between client products and multiple e-commerce marketplace sites. Bezos does disclose a method wherein an individual or business entity can register as an associate, and can then set up a Web site to market customized subsets of their product in a particular area of expertise (Bezos: at least column 3, lines 8-25). Examiner takes Office Notice that these particular areas of expertise are functionally equivalent to multiple e-commerce marketplace sites. For example, it would have been obvious to have provided Bezos to have substituted particular areas of expertise with multiple e-commerce marketplace sites in order to efficiently market and sell goods in cooperation with Web sites or other network sites of respective business partners (Bezos: at least column 1, lines 50-60). Moreover, to have modified the method of Bezos to have included the multiple e-commerce marketplace site would have been obvious to the skilled artisan because the inclusion of such step would have been an obvious matter of design choice in light of

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the method already discloses by Bezos. Such modification would not have otherwise affected the method Bezos and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Bezos. Additionally, applicant has not persuasively demonstrated the criticality of providing this step versus the steps discloses by Bezos.

Response to Arguments

Applicant's arguments filed 8/1/2005 have been fully considered but they are moot in view of the new grounds for rejection.

The Examiner notes, the applicant did not traverse the Examiner's assertion of official notice with respect to claim 15. The Official Notice statement that particular areas of expertise are functionally equivalent to multiple e-commerce marketplace sites is taken to be admitted prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
December 7, 2005